

Roberg-Perez Decl. Ex. H

March 7, 2011

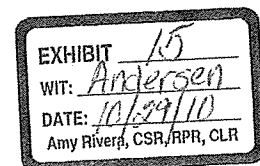
**Best Buy's Opposition to Plaintiffs'
Preliminary Injunction Motion**

To: Dave Cinege[dcinege@psychosis.com]
 From: Erik Andersen
 Sent: Tue 11/9/1999 3:03:54 PM
 Importance: Normal
 Subject: Re: Copyright no-no's...
 Categories: text/plain; charset="us-ascii"

On Tue Nov 09, 1999 at 03:16:21AM -0500, Dave Cinege wrote:
 > I was looking over the changes to more and realized something.
 > Their are problems with the headers you're placing on files.
 >
 > In most files you've made changes in I see only:
 > Copyright (C) 1999 by Lineo, inc.
 >
 > This implies lineo holds the original copyright. They don't.
 > For example the copyright on more.c is Bruce, then me (on my changes), then
 > Lineo (on your changes). Debian is not even involved. (Things where enumerated
 > in the LICENCE file. take a look.)
 >
 > Normally I would not really give a shit, but this is not a personal but a
 > company claim. Especially since I've been told lineo will engage in some
 > propriatary licencing.
 >
 > For instance, if Lineo had the original copyright on more.c, they could
 > re-licence it under a closed licence. This is not the case. Only Bruce could do
 > that. (with sub authors permissions - grey area I think)
 >
 > Unlikely, yes. Big deal, no. But I figured I'd mention it now just so you know
 > to be careful..
 >

As for the Lineo copyright, Lineo asked me to put that on the stuff they paid me to work on. Since it is their money, that is their right. There is plenty of prior art where a company/government/whatever is the copyright holder on GPLed software. NASA could relicense all the linux ethernet drivers and decide to sell them for a billion dollars each. That is their right as the copyright holder. And it is our right not to buy them, of course, since the ethernet drivers are GPL'ed, they can't take anything away from us. Same with Lineo. If they want to be losers and figure out what is theirs and what isn't and fork the code, they could (in theory) sell a proprietary closed source version. And we could all ignore them since the code is GPLed, they could only keep private new stuff. We would still have the old version, so we lose nothing. Whatever is out there and GPL'ed will stay GPL'ed forever. I'm not too worried about Lineo trying to fork and sell proprietary versions of GPLed software. That would be dumb... Lineo has lots of companies like Intel begging us to adopt their code and then sell it back to them (I don't understand companies). They are funding busybox work simply because they can, and because it is a good thing for embedded linux.

I've tried to be careful about copyrights and tried to only assign copyright to Lineo when it was a total re-write or re-implementation. In the case of more, I does look a lot like the original -- so it is not a total rewrite, and so it look like I may have screwed up. I would be happy to acknowledge the original copyright holder. Any suggestions on



what it should look like. I know you and bruce are involved. Debian is involved since the version of busybox in the Debian boot-floppies CVS archive had a number of changes in it from the version I got from you. I took the several versions, blended them all together, and then wrote some new stuff.

If you have the time and interest, it would be nice if you could be the license police and keep me honest. If you can find any other problems, please let me know.

Anyway, how do you propose we fix it? Something like this:

- * Copyright (C) 1995, 1996 by Bruce Perens <bruce@pixar.com>.
- * Adjusted by Dave Cinege
- * Adjusted by the Debian boot-floppies team
- * Adjusted by Erik Andersen
- *

?

-Erik

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--This message was written using 73% post-consumer electrons--